

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

WILLIAM FLYNN,)	
)	
Plaintiff,)	
)	
VS.)	No. 05-1035-T-An
)	
PEOPLE'S CHOICE HOME)	
LOANS, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
ON PLAINTIFF'S DAMAGES

Plaintiff filed this action challenging various alleged improprieties associated with mortgage foreclosure proceedings on his real property. On February 23, 2007, Plaintiff filed a motion for default judgment against Defendants People's Choice Home Loans, Inc., Wells Fargo Bank, Minnesota ("Wells Fargo"), Nikole Shelton, Madeline Ramos, and Michael Ridele. The motion was denied without prejudice in an order entered on February 26, 2007, because Plaintiff had failed to obtain entry of default from the clerk of the court pursuant to Fed. R. Civ. P. 55(a).

Plaintiff then moved for entry of default against these defendants and filed another motion for default judgment. Default was entered, and the motion granted as to all the defendants except Wells Fargo. On May 21, 2007, default was entered against Wells Fargo, and the motion for default judgment against Defendant was granted on June 5, 2007.

The matter was referred to Magistrate Judge S. Thomas Anderson for a report and recommendation concerning damages. On July 3, 3007, Defendant Wells Fargo filed a motion to set aside the default judgment. The motion was denied on November 1, 2007.

Magistrate Judge Anderson issued his report and recommendation on March 5, 2008, recommending that no damages be awarded to Plaintiff because he had not proven that he was entitled to any damages. The report and recommendation stated that any objections or exceptions to the report must be filed within ten days and that failure to do so could constitute “a waiver of objections, exceptions, and further appeal.”

Neither party has filed any objections or exceptions. Consequently, the report and recommendation of Magistrate Judge Anderson is hereby ADOPTED in its entirety. Plaintiff is entitled to no damages against Defendants People’s Choice Home Loans, Inc., Wells Fargo Bank, Minnesota, Nikole Shelton, Madeline Ramos, and Michael Ridele.

The clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE